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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,753	01/13/2006	Lothar Bauersachs	16056.6	3612
22913 7590 01/02/2008 WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER CRANE, DANIEL C	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,753

Applicant(s)

BAUERSACHS ET AL.

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 40-47, 50-65 and 68-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 64, 65, 70-86 and 88-90 is/are allowed.
- 6) ☒ Claim(s) 1, 40-47, 50-63, 68, 69 and 87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/2007</u> | 6) <input type="checkbox"/> Other: _____ |

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 65 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed method is unsupported by the original disclosure because the disclosure fails to provide details of how the shaping tools with a reference position is determined by one of the shaping energy for "shaping the tool". Thus, the disclosure is insufficient for this provision of "shaping the tool" in conjunction with the shaping of the workpiece and the lifting of the workpiece.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 47 and 50-63, 68 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The subject matter of claim 47 is redundant to that claimed in claim 40. Accordingly, the claimed features are vague. With reference to claims 50 and 52 and the remaining claims that indirectly depend from canceled claim 48; these claims depend

from a canceled claim. This also applies to claims 68 and 69. The subject matter has been examined as best understood in light of the questionable dependency issue. A determination of allowability cannot be made because of the fact that these claims depend from non-existent features.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1, 40-42, 47 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by Maher (5,105,647). Maher illustrates and discloses an apparatus and process for shaping a workpiece using at least two tools 20a and 20b where a workpiece is shaped between the tools by placing the workpiece between the tools and removing the workpiece from the tools. A handling device 28 lifts (see column 7, lines 20-32) the workpiece from the tool and transfers the workpiece from station to station 14. A triggering time is detected with respect to the position of the tools and transmitted to a controller so that the handling device can be activated at the appropriate time to transfer the workpiece out of the station. See the paragraph bridging columns 4 and 5 where

“...the transfer system further comprise at least one sensor means for detecting the state of operation of the associated production system for purposes of *synchronizing* the operation of the transfer mechanism to the system. In the case of a transfer press, a sensor means is mounted on the press ram in order to *sense the position of the ram during each stroke of the press*. The sensor is operatively connected to a means for centrally controlling movement of the transfer rail and finger operator rail to synchronize travel of the workpieces through the successive work stations in *timed* relation with performance of the sequence of operation.”
(Emphasis added)

Thus, the timing of the operations is all performed in a sequencing manner based upon a triggering of the system from the sensed or detected position of the tool (ram).

Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maher (5,105,647). While the timing sequence is not specified by Maher, it is the examiner's position that the skilled artisan familiar with this field of endeavor would have realized the selection of timing intervals necessary to prevent interference between the tools and the handling device. Furthermore, the skilled artisan would have selected timing sequences that provide efficient operation of the shaping system. Accordingly, the skilled artisan would have been disposed to select appropriate timing sequences needed to accomplish the operations.

Claims 1, 40-42, 47 and 87 are further rejected under 35 U.S.C. 102(b) as being anticipated by Guenter (DE 2746161). While Guenter does not indicate that the first tool is stationary with respect to a reference point, it is clearly evident that such is the case. This is so since Guenter's apparatus is directed to a press where gripper bar devices are used to transfer workpieces from one station of the press to another. These are widely known in the art as transfer presses and it is clearly evident that a fixed tool is positioned in the transfer press. Further, since Guenter's processing machine and gripper bars (i.e., handling device) is controlled, it only follows that the controlling is based on a reference point within the machine so as to allow for unhindered operation of the gripper bars (handling device) relative to the relatively movable tools. In this regard, note that Guenter states that,

"it is possible to scan the path of the processing means to control the drive of the workpiece conveyor as a function of the control input thus obtained and to approach a point on the path of the workpiece conveyor at any instant of operation of the processing machine..." (Page 1, lines 41-45, of the submitted disclosure), and

“...the drive control of the gripper bar, dependent on the path of the press ram, may have super-imposed on it a control depending on the start, progress and/or end of the deforming process in such a way, that readiness to operate is achieved for the path dependent drive control only after a certain event has taken place.” (Page 1, lines 56-59, of the submitted disclosure)

In light of the fact that the scanning is performed at any instant of the operation of the processing machine and its operation is allocated to events depending on the start, progress and end of the process, the triggering time is performed throughout the operation both during motion of the tools away and towards one another.

Claims 43-46 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Guenter (DE 2746161). While the timing sequence is not specified by Guenter, it is the examiner's position that the skilled artisan familiar with this field of endeavor would have realized the selection of timing intervals necessary to prevent interference between the tools and the handling device. Furthermore, the skilled artisan would have selected timing sequences that provide efficient operation of the shaping system. Accordingly, the skilled artisan would have been disposed to select appropriate timing sequences needed to accomplish the operations.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 64, 65, 70-86 and 88-90 are allowed.

RESPONSE TO APPLICANTS' COMMENTS

Responsive to applicants' comments, the present Office Action is deemed appropriate in that claims rejected in the previous Office Action, mailed July 24, 2007, are still present in the Amendment filed October 25, 2007.

Applicants have noted that the subject matter of claim 47 has been incorporated into the independent claims 1 and 40. Claim 47 was rejected on prior art in the previous Office Action and therefore, does not render claim 40, the claim from which claim 47 depended, allowable. Further, the incorporation of the subject matter into claim 1 does not overcome the originally applied prior art against that claim. Furthermore, it is noted that claim 40 has been broadened by the elimination of claimed features. Accordingly, applicants' comments regarding the allowability of these claims are unfounded.

The application of the Guenter teaching against the claims was necessitated in response to applicants' submission of pertinent prior art. Accordingly, the finality of this Office Action is proper even though not necessitated by applicants' claim amendment.

FINAL OFFICE ACTION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 7:00AM-3:30PM, Monday through Friday.

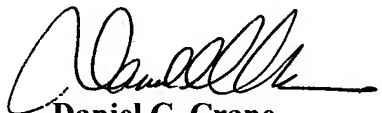
Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(571) 273-8300**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCCrane
December 24, 2007



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725